

**CHARGE:** Special 10 with B<sub>12</sub>, 403(a)—while held for sale, the accompanying labeling contained false and misleading representations that the article would furnish balanced nutrition and that it contained more than the minimum adult daily requirement of all the important vitamins; that the food supplies generally available and as consumed were incapable of meeting all requirements for essential vitamins; and that most people required vitamin supplementation of the normal diet.

Geriatric Formula, 403(a)—when shipped and while held for sale, the labeling of the article contained false and misleading representations that the "Potassium \* \* \* need in human nutrition has not been established," that the nutritional requirements for people of old age are different from those of adults generally, and that a so-called "vitamin B-T" is essential for human beings; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content and its label failed to bear as required by regulations, the statement "The need for choline and inositol in human nutrition has not been established."

The libel alleged also that both articles were misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7208.

**DISPOSITION:** On 9-12-60, the claimant, Main Electric Co., Inc., d/b/a East Vitamins, Rochester, N.Y., having consented, the court entered a decree of condemnation, and the articles were released under \$5,000 bond to the claimant for the purpose of bringing the articles into compliance with the law.

On 10-9-61, a motion was filed by the Government for forfeiture of the bond on the grounds that the claimant violated the terms of the decree and bond in that it failed to retain intact the entire lot of seized goods and seized literature, and disposed of the seized vitamins and a portion of the literature without notification to or authorization by the Department of Health, Education, and Welfare.

On 5-31-62, after a hearing and in accordance with the court's findings of fact and conclusions of law, judgment was entered, pursuant to which the \$5,000 bond was declared forfeit because claimant failed to abide by the conditions of the bond; \$4,000 of the forfeiture was remitted because of the lack of evil intent by the claimant to violate the conditions of the bond; and the Government was granted a \$1,000 money judgment.

**29000. Vitamins, minerals, and other preparations.** (F.D.C. No. 45006. S. Nos. 35-196 R, 35-200 R, 35-209/10 R, 35-212 R.)

**QUANTITY:** 13 100-tablet btl. of vitamin E, 1 100-tablet btl. of One Daily small multiple vitamins, 4 100-tablet btl. of therapeutic vitamins and minerals, 4 60-tablet btl. of super potency vitamins and minerals, 2 90-capsule btl. of Prenatal capsules at New York, N.Y., in possession of Textile Mart, Inc., or the related firms, Jay Norris Co. and Norris Nutritions.

**SHIPPED:** Between 7-8-60 and 10-18-60, from Elizabeth, Jersey City, and Newark, N.J.

**LABEL IN PART:** "Vitamin E" (formula 866 and 867), "Therapeutic Vitamins & Minerals" (formula 852), "Super Potency Vitamins & Minerals" (formula 864), "Prenatal Capsules" (formula 859), "One Daily Small Multiple Vitamins" (formula 853).

**ACCOMPANYING LABELING:** Booklets entitled "Norris Wholesale Vitamin Catalog #606V."

**RESULTS OF INVESTIGATION:** The accompanying labeling had been printed locally and used in promoting sales of the articles while held for sale after shipment in interstate commerce.

**LIBELED:** 10-18-60, S. Dist. N.Y.

**CHARGE:** 403(a)—“Prenatal capsules” (formula 859), while held for sale, the name of the article “Prenatal capsules” and the statement “So important when the health of the baby depends so much on the health of the mother,” which appeared in the accompanying labeling, represented and suggested that the article was particularly suitable for maintaining the health of pregnant women and their unborn babies; which name, representations and suggestions were false and misleading, since the article was not adequate and effective for such purposes; and the label statement “Need in human nutrition not as yet established” with reference to vitamin E, was false and misleading, since the need for vitamin E in human nutrition has been established;

403(a)—“One Daily small multiple vitamins” (formula 853); “super potency vitamins & minerals” (formula 864); and “vitamin E capsules” (formulas 866 and 867), while held for sale, the label statements “Need in human nutrition not [or “not yet”] established” with reference to vitamin E in these articles, was false and misleading, since the need for vitamin E in human nutrition has been established;

403(j)—“therapeutic vitamins and minerals” (formula 852), while held for sale, the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirements for vitamins A, B<sub>1</sub>, B<sub>2</sub>, niacinamide, C, and D, and the minerals calcium, phosphorous, iron and iodine, supplied by such food when consumed in a specified quantity during the period of one day.

The libel alleged also that the articles and certain other articles were misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 7206.

**DISPOSITION:** 11-8-61. Consent—destruction.

## INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 28901 TO 29000

### PRODUCTS

	N.J. No.		N.J. No.
Apples, dried	28957	Cheese, grated	28931
Beans, green, canned	28966	Cherries, in sirup	28961
pinto, dried	28967, 28968	Chocolate products	<sup>2</sup> 28921
Bio-C-Complex tablets	28994	Cocoa products	<sup>2</sup> 28921
Brazil nuts, unshelled	28978	Cod fillets, frozen	28949
Butter	28929, 28930	Codfish, salted	28950
Cabbage	28963	Confectionery	<sup>2</sup> 28922-28926
Candy. <i>See</i> Confectionery.		Cornmeal	28908
Carrots	28964	Dairy products	28929-28932
Cashews, shelled	28979	Dates	28958
Caviar	28941	Dill pickles	28969
Cereal(s) and cereal products	28901-29020	Eggs, frozen	28933-28940
binder	<sup>1</sup> 28906	Filberts, shelled	28988

<sup>1</sup> (28906) Prosecution contested.

<sup>2</sup> (28911, 28912, 28921, 28922) Injunction issued.